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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,266	02/11/2005	Ruediger Duwendag	P70231US0	4092
136 7590 01/16/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER DESAI, HEMANT	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 01/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,266

Applicant(s)

DUWENDAG ET AL.

Examiner

Hemant M. Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1 and 38, the term "cold glue" (claim 1, lines 4-5, 8-10, 12-13; claim 38, lines 4, 8-10) contains subject matter which was not describe in the originally filed specification.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13, 20-27, 29-42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel (4256526), Boger et al. (4687137) and Pedigrew (5016812) and further in view of Raterman et al. (6342264).

McDaniel discloses a bottoming device for cross bottom paper bags which forms the cross bottoms of paper bags that implements folds at the extremities of tubular segments (16, fig. 1) from which the bags are produced that this manner applies glue layers (30-32, fig. 1) to the folded bottoms on the extremities of the tubular segments and/or the sheets (16) to be glued with the bottoms with the help of gluers (40-42, fig. 1), which connects and glues the folded bottoms and the sheets, the device comprising at least one gluer (40-42), that is equipped with at least one glue reservoir (45, fig. 1) in which glue is exposed to a pressure that is higher than the ambient pressure (see col. 7, lines 4-10) such that the at least one glue reservoir is provided with at least one glue output orifice (36-38) through which glue is directly applied sheets (16).

McDaniel, as mentioned above, discloses all the claimed limitations, except for the structure of gluer. However, Boger, et al. discloses that it is well known in the art of applying glue to the substrate to use gluer having an application head (10, fig. 1) with a glue duct (20, fig. 1) in which the glue is exposed to a pressure that is higher than the ambient pressure such that the glue is transported throughout the head, the application head including a plurality of valves (72, 72, 74, 76, 78, 80, fig. 1) each having at least one glue output orifice 92, fig. 2) through which the glue is directly applied to the folded

bottom and/or the sheet, the valves being arranged in a configuration that includes at least a first valve row extending along a length of the application head in a direction that is transverse to a transfer direction for controlled and intermittent application of adhesive which provide substantial savings of adhesive (see col. 5, lines 44-59). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gluer of McDaniel with the gluer of Boger et al. for controlled and intermittent application of glue.

The modified bottoming device of McDaniel meets all the claimed limitations, except for two rows of valve row. However, Pedigrew teaches two rows of valve rows (fig. 1) for better distribution of adhesive (see col. 6, lines 62-69 and col. 7, lines 1-13). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified gluer of McDaniel with the two rows of valve rows as taught by Pedigrew for better distribution of adhesive.

The modified bottoming device of McDaniel meets all the claimed limitations, except for applying cold glue. However, Raterman et al. disclose that it is well known in the art to apply the cold glue (col. 3, lines 34-37) by the glue applicator to dispense the cold glue on substrata. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cold glue of Raterman et al. in the gluer of McDaniel for dispensing cold glue.

Regarding claim 2, McDaniel discloses that the glue application is performed between the glue output orifice and the sheet in a contact-free manner:

Regarding claim 3, McDaniel discloses that the valve configuration includes a plurality of valve rows.

Regarding claim 4, the modified bottoming device of McDaniel discloses that each of the first and second valve rows includes a plurality of valves.

Regarding claim 5, McDaniel discloses that the valves include a plurality of glue output orifices.

Regarding claim 6, the modified bottoming device of McDaniel teaches that the application head has a plate-like form.

Regarding claim 7, the modified bottoming device of McDaniel teaches that each of the plurality of valve rows includes a plurality of valves.

Regarding claim 8, the modified bottoming device of McDaniel teaches that the valves are provided on a side of the application head facing away from the bag that is being formed.

Regarding claim 9, the modified bottoming device of McDaniel teaches that a distance between adjacent orifices along the transverse direction is less than a breadth of each of the valves.

Regarding claim 10, the modified bottoming device of McDaniel teaches that each of the valve rows is offset laterally in the transverse direction from an adjacent valve row.

Regarding claim 11, the modified bottoming device of McDaniel teaches that the glue output orifices are located in one line extending along the length of the application head in the transverse direction.

Regarding claim 12, the modified bottoming device of McDaniel teaches that the valves are supplied with the glue by at least one borehole or chamber in the application head.

Regarding claim 13, the modified bottoming device of McDaniel teaches that the borehole or chamber extends substantially transverse to the bag transfer direction.

Regarding claims 16-19, the modified bottoming device of McDaniel meets all the limitations, except for making the gluing head adjustable. It would have been obvious one having ordinary skill in the art at the time of invention was made the glue head adjustable to change the glue pattern and for maintenance purpose, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

Regarding claim 23, the glue application head is supplying the glue to the nozzles under the pressure therefore it is inherent the reservoir has pressure relief and controller.

Regarding claims 26-27, the bottoming device discloses that at least one valve (timer T1) that provides at least one glue output orifice (38) with glue can be controlled independent of the other valves, so that the application of the glue line produced from the at least one glue output orifice can be started and stopped selectively.

Regarding claim 28, McDaniel discloses the claimed invention except for at least 5 valves (32) are provided. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide five valves, since McDaniel disclose to provide two valve (timers T1 and T2), since it has been held that mere

duplication of the essential working parts of a device involves only routine skill in the art.  
*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 30, the modified bottoming device discloses that the glue channels that transport the glue to a majority of valves (32) have a common cross-sectional area that is at least half as large as the sum of the cross-sectional areas of the glue output orifices that extrude this glue.

Regarding claim 31, the bottoming device discloses that a hard counter bearing is provided on which the bag components are located during the glue application.

Regarding claim 32, the bottoming device discloses that the transfer direction of the glue to the valves more stoppers are provided with which the glue channels (36-38) can be sealed.

Regarding claims 33-35, the bottoming device discloses that the sealability of the glue channels is ensured by screws.

Regarding claims 36-37, the bottoming device discloses that at least one valve (T1) that is active during the formation of a definite glue format opened or closed other points of time than the other valves (32) during the gluing.

Regarding claims 38-42, the modified bottoming device of McDaniel, as mentioned above meets all the claimed limitations of claims 38-43.

6. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel (4256526), Boger et al. (4687137) and Pedigrew (5016812) and further in view of Gunn et al. (6932870).



The modified bottoming device of McDaniel, as mentioned above meets all the claimed limitations of claim 43, except for applying cold glue. However, Gunn et al. disclose that it is well known in the art to apply the starch glue (col. 2, lines 31-32) by the glue applicator to dispense the starch glue on substrata. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the starch glue of Gunn et al. in the gluer of McDaniel for dispensing starch glue.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-13, 16-43 has been considered but are moot in view of the new ground(s) of rejection.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Hemant M. Desai*

Hemant M Desai  
Primary Examiner  
Art Unit 3721

/hd/